

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JUDITH THIBEAU)	
and GEORGE THIBEAU,)	
)	
Plaintiffs,)	C.A. No. 1:04-cv-10643-MLW
)	
v.)	
)	
UNITED STATES OF AMERICA and EAST)	
BOSTON NEIGHBORHOOD HEALTH CENTER)	
CORPORATION,)	
)	
Defendants.)	
)	

**RESPONSE TO THE AMENDMENT TO PLAINTIFF'S OPPOSITION TO MOTION TO
STRIKE PORTIONS OF EXPERT'S TESTIMONY**

The undersigned agrees with Plaintiff's counsel's acknowledgment in his Amendment to Plaintiff's Opposition that an "amicable relationship [exists] between counsel." Indeed, counsel has cooperated with each other throughout the course of this litigation, which included assenting to the extension of deadlines. Although I did not file an assented-to motion to file Motion to Strike Portions of Expert's Trial Testimony on July 21, 2006, Plaintiff's counsel did agree to that time extension. Furthermore, the motion to strike filed with the court contains the same objections to Plaintiff's expert's testimony raised during trial, during conversations after trial, and in the draft motion to strike sent facsimile to Plaintiff's counsel before the

final draft of the Motion to Strike was filed on July 21, 2006. See Attached facsimile cover sheet, (which notes nine pages were sent facsimile and that computer problems prevented it from being electronically mailed). During a telephone conference today, Plaintiff's counsel confirmed he was not prejudice by the filing of the Motion to Strike on July 21, 2006.

Respectfully submitted,

UNITED STATES OF AMERICA

MICHAEL J. SULLIVAN
United States Attorney

/s/Christopher Alberto
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Date: August 28, 2006

CERTIFICATE OF SERVICE

This is to certify that the foregoing, filed through the Electronic Case Filing system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/Christopher Alberto
Christopher Alberto
Assistant United States Attorney